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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,469

03/28/2005

Mitoru Yabe

1190-0605PUSI

8272

2292

7590

08/22/2006

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EXAMINER

THOMAS, BRANDI N

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/529,469	Applicant(s) YABE ET AL.	
	Examiner Brandi N. Thomas	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/28/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 3/28/05. An initialed copy is attached to this Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujisawa (5523891).

Regarding claims 1 and 6-9, Fujisawa discloses, in figure 1, an object lens driving device comprising: an object lens (2) for collecting light on an information recording medium (col. 7, lines 39-40); a lens holder (3) that holds said object lens (2) (col. 7, lines 45-48); a base (9) having a support shaft (31) that supports said lens holder (3) so that said lens holder (3) is movable in a direction in parallel to an optical axis said object lens (2), and rotatable about an axis parallel to said optical axis (col. 7, lines 39-44 and col. 8, lines 6-12); a magnet (7) mounted on said lens holder and magnetized in a direction substantially perpendicular to said optical axis,

Art Unit: 2873

said magnet (7) having a magnetic pole (col. 11, lines 16-19 and 31-34), a focusing coil (5) mounted on said base (9), said focusing coil (5) having side facing said magnetic pole said magnet (7) and substantially perpendicular to said support shaft (31) (figure 1); a tracking coil (60 and 6b) mounted on said base (9), said tracking coil (6a and 6b) having a side facing said magnetic pole of said magnet (7) and substantially parallel said support shaft (31) (figure 1); and a yoke (8) including a facing portion having facing surface that faces said magnetic pole of said magnet (7) (figure 3), and an extending portion that extends from said facing portion in a direction away from said magnetic pole, said side of said focusing coil (5) and said side of said tracking coil (6a and 6b) being disposed between said facing surface and said magnetic pole of said magnet (7) (col. 8, lines 46-51).

Regarding claim 2, Fujisawa discloses, in figure 1, an object lens driving device, wherein two said magnets are provided on two positions symmetrical to each other with respect to said support shaft (9) so that different magnetic poles face each other (figure 1), and wherein two said yokes (83 and 84) are provided in opposition to magnetic poles of said magnetic poles that face two magnets opposite to said each other (col. 6, lines 5-8).

Regarding claim 11, Fujisawa discloses, in figure 1, an object lens driving device, wherein said magnet (7) is integrally formed with said lens holder (3) (figure 1).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2873

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujisawa (5523891) as applied to claim 1 above, and further in view of Suzuki (6331741).

Regarding claim 3, Fujisawa discloses, in figure 1, an object lens driving device but does not specifically disclose wherein said magnet has a hole through which said support shaft is inserted and two magnetic poles formed on positions symmetrical to each other with respect said hole, wherein two said yokes are provided opposition to said magnetic poles of said magnet. Suzuki discloses, in figure 3, wherein said magnet (1) has a hole through which said support shaft (1a) is inserted and two magnetic poles formed on positions symmetrical to each other with respect said hole, wherein two said yokes (6) are provided opposition to said magnetic poles of said magnet (1) (col. 3, lines 45-49 and col. 4, lines 27-32). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Fujisawa with the magnets of Suzuki for the purpose of moving the lens with respect to the yokes and magnets (col. 3, lines 45-49 and col. 4, lines 27-32).

Regarding claim 4, Fujisawa discloses, in figure 1, an object lens driving device but does not specifically disclose wherein said support shaft is made of a magnetic material, and wherein said hole of said magnet has a asymmetric shape with respect to a center axis of said support shaft in a direction of said magnetizing. Suzuki discloses, in figure 3, wherein said support shaft is made of a magnetic material, and wherein said hole of said magnet has a asymmetric shape with respect to a center axis of said support shaft (1a) in a direction of said magnetizing (col. 3, lines 45-52). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Fujisawa with the magnets of Suzuki for

Art Unit: 2873

the purpose of moving the lens with respect to the yokes and magnets (col. 3, lines 45-49 and col. 4, lines 27-32).

Regarding claim 5, Fujisawa discloses, in figure 1, an object lens driving device but does not specifically disclose wherein said two yokes are so disposed that distances thereto from said supporting shaft are different from each other. Suzuki discloses, in figure 3, wherein said two yokes (6) are so disposed that distances thereto from said supporting shaft (1a) are different from each other (figure 3). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the device of Fujisawa with the shaft of Suzuki for the purpose of supporting the lens (figure 3).

Regarding claim 10, Fujisawa and Suzuki disclose an object lens driving device but does not specifically disclose wherein the magnet is formed to include a plastic. It would have been obvious to modify the invention to wherein a magnet includes a plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use (In re Leshin, 125 USPQ 416). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention to wherein a magnet includes a plastic for the purpose of plastics ability to withstand high temperatures.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 7- 4:30.

Art Unit: 2873

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BNT



Alicia M Harrington
Primary Examiner
Art Unit 2873